

**FOUNDATIONS
FOR A
NEW CENTURY**

Foundation for a New Century: 2000 Judicial Council Annual Report

Published by the Judicial Council of California
Administrative Office of the Courts, Public Information Office
455 Golden Gate Avenue, San Francisco, CA 94102-3660
415-865-7740 • Publications Hotline: 800-900-5980

Ronald M. George ■ *Chief Justice of California*
William C. Vickrey ■ *Administrative Director of the Courts*
Dennis B. Jones ■ *Chief Deputy Director*
Michael Bergeisen ■ *General Counsel*
Dale Sipes ■ *Assistant Director, Council and Legal Services Division*
James Carroll ■ *Supervisor, Public Information Office*
Ellen McCarthy ■ *Author/Managing Editor*
Richard Schauffler ■ *Supervising Research Analyst*
Adam Byer ■ *Senior Research Analyst*
Christine Miklas ■ *Copy Editor*
Suzanne Bean ■ *Graphic Design and Production*

Contents

Message from the Chief Justice and Administrative Director	3
Trial Courts Prepare for the New Century	4
In a Just and Timely Manner	8
Justice for Children and Families	10
The Promise of Equal Access	12
Appellate Court Report	14
Investing in Courts and Justice	16
Profile of the Judicial Council	18

The *2000 Judicial Council Annual Report* summarizes key trends, court workload data, and achievements of the judicial branch for calendar year 1999 and the challenges for the first years of the new millennium. The report also covers court business for California’s appellate and trial courts during fiscal year 1998–1999. ♦ A companion publication, the *Court Statistics Report*, provides detailed 10-year statistical caseload and trend data on a wide variety of court business as well as caseload data for each county. These publications and other information about the state judicial system are available on the California Courts Web site, www.courtinfo.ca.gov.

California Courts Web Site ♦ View Supreme Court and Court of Appeal opinions when they are issued www.courtinfo.ca.gov/opinions/ ♦ Access the latest Judicial Council forms www.courtinfo.ca.gov/forms/ and California Rules of Court www.courtinfo.ca.gov/rules/ ♦ Provide comment on proposed and revised rules and forms www.courtinfo.ca.gov/invitationstocomment/ ♦ Keep apprised of Judicial Council meeting dates, agendas, and summaries of action taken www.courtinfo.ca.gov/courtadmin/jc/ ♦ Apply for judicial branch jobs online at www.courtinfo.ca.gov/jobs/ ♦ Use the extensive online reference materials at www.courtinfo.ca.gov/reference/ ♦ Find answers to frequently asked questions www.courtinfo.ca.gov/q&a/ ♦ Access Web sites of trial courts around California www.courtinfo.ca.gov/courts/trial/ ♦ And much more!

Printed on 100% recycled and recyclable paper.
© 1999 Administrative Office of the Courts

*Courthouse legend
inside back cover.*

Message from the Chief Justice and Administrative Director

Dear Friend of the Court:

When it comes to innovation and progress, California always has been a leader. In the words of State Librarian Kevin Starr, our role is “to seek out the American future, to test it, to try its options, rejecting what doesn’t work and building upon what does.” Adapting to change has been our state’s challenge and its glory since its inception. In 1850, California was a territory with little more than 100,000 citizens, who had available only a makeshift court system. Now, as California approaches its 150th anniversary of statehood, its population has grown to almost 34 million residents, speaking 224 languages. Last year, almost nine million cases, often with novel and complex issues, were filed at more than 390 court locations. A diverse and growing population, a steady diet of demanding legal questions, and a judicial system viewed with high expectations are among our leading challenges in the next century.

MAJOR ACHIEVEMENTS

Our courts are responding with energy and creativity and by taking advantage of opportunities for changing how they operate. One of the most significant historic changes in our legal system’s structure occurred recently when the state assumed the obligation to fund our trial courts fully. This new funding system, which already has begun to have a beneficial impact, holds the promise that the court system will begin the new century with sufficient resources to meet the public’s needs for access and fairness.

In a second major development, trial court unification was authorized by an overwhelming majority of the voters in June 1998. Trial courts in 54 out of 58 counties have accepted the option to unify in order to streamline procedures, improve cost-effectiveness, and enhance public access.

State trial court funding and unification have helped develop a statewide perspective in meeting local court needs. The balance between statewide support and experience and local expertise and sensitivity promises to be a winning combination for California.

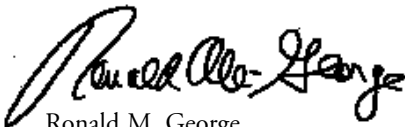
This year, for the first time, funds allocated to the Trial Court Modernization Fund will enable many courts to meet Y2K requirements and to improve security and information systems. In addition, pay raises for court interpreters, adoption of the one-day/one-trial jury system, and an overall increase of 8 percent (\$125 million) in the state trial court appropriation provided much-needed support for courts.

PUBLIC TRUST

Underlying all our efforts is the need to improve public trust and confidence in California’s justice system. Our fundamental goal is to provide fair and accessible courts to all. Relying on the helpful recommendations of the Judicial Council’s Task Force on Court/Community Outreach, we have been encouraging judges and courts to work collaboratively with their communities. We also are using technology to increase access to the courts and to provide useful information about them. User-friendly kiosks are available in several court locations to assist pro per litigants. The Judicial Council’s new Web-based data warehouse will supplement the official public California Courts Web site and speed statewide workload statistics to our desktops. Legislation authorizing electronic filing recently was enacted, and the Judicial Council is developing a statewide rule. To be successful, these reforms, as is true of any innovation, require sufficient resources to support them.

Confidence in our judicial system grows out of people’s experiences as jurors, witnesses, and litigants. We must ensure that every individual who comes into contact with our courts is treated with respect. By doing so, we can heighten their trust in the administration of justice. Focusing on the public’s access to the courts, and on resources that courts require to serve the public, will be our guide for the next century. Together, we can continue to make a difference.

Sincerely,



Ronald M. George
Chief Justice of California



William C. Vickrey
Administrative Director of the Courts



Ronald M. George



William C. Vickrey



California long has stood as a worldwide symbol for progress. Change, whether social, economic, or technological, nearly always has come rapidly and come dramatically in this state. In few institutions are such transitions more immediately reflected than in the trial courts. The courts are where people turn to resolve the issues

Trial Courts Prepare for the New Century

arising from population growth, cultural diversity, family conflicts, at-risk children, and the human toll of poverty.

The eve of the new millennium represents a high-water mark in the courts' innovations and continuing transformation. With the state's recent assumption of trial court funding responsibility, courts can expect more fiscal stability in the new century. For their part, trial courts in almost all counties have unified resources and jurisdictions and streamlined procedures in the interest of efficiency, effectiveness, and public access. Supporting the courts through these transitions will be a primary focus of the Judicial Council in the year 2000 and beyond.

ACHIEVEMENTS

◆ **Trial courts unified:** By July 1999, all but two eligible counties (i.e., those not restricted by the federal Voting Rights Act from unifying) had unified or voted to unify their superior and municipal courts into countywide superior court systems. The Judicial Council urges the remaining counties—Los Angeles and Kern—to follow suit “at the earliest possible opportunity.” Unification of court resources creates a more effective justice system, one where equal access and fairness are available to all residents. It also positions courts to provide a higher level of service amid growing diversity in the 21st century.

◆ **More fiscal stability:** For the first time in history, California trial courts can expect funding stability. In the first two years under the new state funding system, trial courts received increased funding of 7.1 percent and 8.1 percent over the base budget as compared with increases of 1.1 percent, 2.5 percent, and 2.2 percent, respectively, for the three prior years under the former county-state bifurcated funding system. But while the Trial Court Funding Act of 1997 assures that allocations will be made fairly to each county, courts must still compete with other state programs for funds. In fiscal year 1999–2000, trial courts received state funding in the amount of \$1.8 billion; an additional \$35 million for court modernization was appropriated, of which the largest portion will finance year 2000 technology conversions. Moneys from the Judicial Administration Efficiency and Modernization Fund also will finance six complex litigation pilot projects in five urban counties and four alternative dispute resolution pilot projects.

◆ **New trial court budget process:** The Judicial Council's fiscal year 2000–2001 trial court budget is the third budget the council has developed since the enactment of the trial court funding legislation. The council requests funding according to its Long-Range Strategic Plan, the critical needs of individual court systems, and operating and service levels across the state.

The Judicial Council's Access and Fairness Advisory Committee is preparing a report on the California courts' compliance with the Americans With Disabilities Act.



Photo by Jason Dohy

In developing the 2000–2001 budget, the council asked trial courts to evaluate their own needs and to provide relevant workload and cost data, thus helping to establish statewide funding priorities based on consistent, quantifiable, and reliable data.

◆ **Strategic planning:** By the end of 1999, all trial courts are scheduled to submit to the Judicial Council a local long-range strategic plan for the efficient and effective use of court resources, technology development, and the incorporation of community needs and concerns.

◆ **New personnel system:** A special task force created by the Legislature conducted a comprehensive study of California’s trial court employees and will recommend a new system of employment and governance for this group in its final report to the Governor, the Legislature, the judiciary, the counties, and employee organizations in December 1999.

◆ **Jury reform:** The new one-day/one-trial system, a reform measure sponsored by the Judicial Council, reduces the time jurors must wait to be chosen for jury duty. Jurors need only appear or be on call for one day unless they are selected for a jury panel for a specific case. If not chosen for a panel on the first day of service, jurors will have satisfied their obligation for a year. Other reforms are being recommended to improve jury instructions, child care for jurors, and jury facilities.

◆ **Rate increases for interpreters:** The daily compensation rate for certified and registered interpreters in criminal proceedings in California’s trial courts rose to \$243 (from \$200) for a full day’s work and \$135 (from \$105) for a half day, effective July 1, 1999. The raise affects more than 1,300 court interpreters. The council also established reduced rates for noncertified and nonregistered interpreters (not more than \$175 per day and \$92 per half day). This will assist in expanding the availability of qualified court interpreters wherever they are needed in the state. A notable increase in candidates already has begun. Nearly twice as many candidates signed up for the first of two registration examinations in fiscal year 1999–2000 than did for both examinations last year.

◆ **Community outreach:** The Judicial Council has encouraged courts to develop new outreach programs and enhance existing ones. California’s program has been praised as the most comprehensive statewide court outreach effort in the nation.

◆ **Access and fairness training:** To increase cultural sensitivity on the bench and in the courts, new and current judges are trained by the council’s Education Division to enhance ethnic, racial, gender, and sexual orientation fairness. Court employees receive similar awareness training, and a new booklet explaining how to avoid bias will be sent to all attorneys in the state. Other programs in 1999 included statewide conferences and roundtables that explored ways to remove barriers to equal access for

Continued on page 6



Photo by Russ Curtis

Waiting time for prospective jurors is being reduced. More reforms to improve jury service are planned.

Continued or Delayed Interpreted Proceedings
Due to unavailability of certified/registered interpreters

Fiscal Year	Number of Continued or Delayed Proceedings
1997–1998	1,604
1998–1999 (35 out of 58 courts reporting)	3,554 (annualized based on quarters 1 and 2)

minorities, women, persons with disabilities, and women of color, and a study by a statewide committee on ways courts and communities can work together more closely.

◆ **Support for judges:** Highly competent judicial officers are essential to public confidence in the courts. The Judicial Council is taking a number of steps to preserve the quality of the state's judiciary. This includes educational and training programs as well as confidential counseling for judges coping with personal and work-related stress. In addition, pending council-sponsored legislation would establish 50 new trial court judgeships, with funding included in the Budget Act for the initial 20, to help handle increasingly complex caseloads.

◆ **Drug courts:** California leads the nation in creating effective alternatives to the traditional criminal justice adversarial processing of drug-related offenses. The courts have received more than \$10.5 million in state and federal funding to administer drug treatment courts. An additional \$8 million came from the state Department of Alcohol and Drug Programs in 1999 for expanding these courts. A special council committee oversees the allocations and continues to evaluate these promising programs. The council also offers training to California judges and other drug court professionals on prevention, treatment, and relapse issues.

CHALLENGES

◆ **Transition to state funding:** After passage of the Trial Court Funding Act, some counties stopped providing certain support services to the courts. These include auditor-controller, county administration, county counsel, information technology, personnel, purchasing, and janitorial services. And some other trial court systems now are being charged for services that had been provided free of charge or at less than actual cost. As a result, these trial courts must find means to fund these services within their budgets and must decide whether to begin to manage these services directly. The council is seeking funding to cover the significant costs that have been imposed on the trial courts as a result of locally negotiated labor agreements. The courts have been required to absorb these costs within their operating budgets by redirecting funding from other critical operations.

Some counties have stopped providing courts with support services . . . such as auditor-controller, county counsel, information technology, even janitorial support, and other counties have begun to charge courts for services they traditionally provided free of charge.

◆ **Modernization:** In order to provide the best possible public service, the courts must modernize judicial administration practices. Advanced information technology efforts are under way that would promote greater efficiency, economy, and convenience to the public in processing all types of cases. These include case management systems, voice response systems, document imaging systems, and records management retrieval systems. All new systems are being built in compliance with the Judicial Council's new Judicial Branch Statistical Information System (JBSIS) standards. The new standards are designed to provide speedy access to both local and statewide caseload and workload statistics.

◆ **Legislative mandates:** New state and federal legislation has required courts to expand their services to families and children. Family court cases constitute the largest and most complicated category of civil workload, and the new mandates make additional demands on already limited resources in many courts. Courts also must comply with increasing reporting and documentation requirements, but the necessary technology and staff is not available. As a result, the majority of counties are struggling to meet their obligations under state and federal legislation.

◆ **Representative juries:** Jurors are the foundation of the justice system, yet the trial courts have difficulty in obtaining sufficient pools of jurors that represent a cross-section of the community. At present, California remains at the bottom of a national

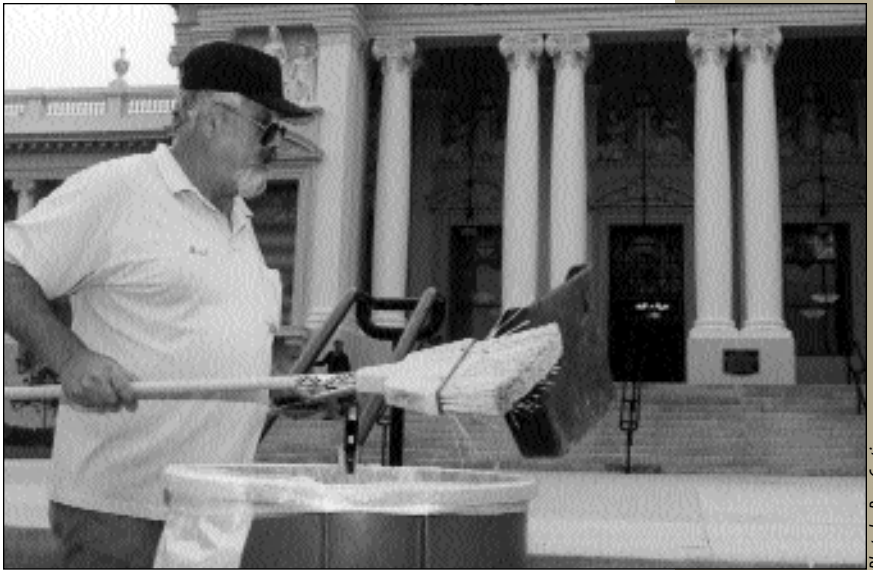


Photo by Russ Curtis

Many trial courts are looking for ways to pay for services like maintenance once paid for by their counties.

state ranking for juror compensation. The council recommends that the daily fee for jury service be increased from \$5 a day to \$40 per day after the first day, and \$50 per day after the thirtieth, and has developed a funding plan to achieve these goals.

◆ **Court interpreters:** More certified court interpreters are needed to provide services mandated by the state Constitution for non-English speakers. Trial courts often must turn to uncertified interpreters, cope with a growing number of continued or delayed interpreted proceedings, and pay more than established pay rates for interpreters.

◆ **Trial court facilities:** While the state now funds court operations, counties continue to fund court facilities, pending recommendations of a legislatively created task force. A new AOC Facilities Planning Unit will be developed to help courts successfully compete with other county agencies for limited resources.

FACTS ABOUT TRIAL COURTS

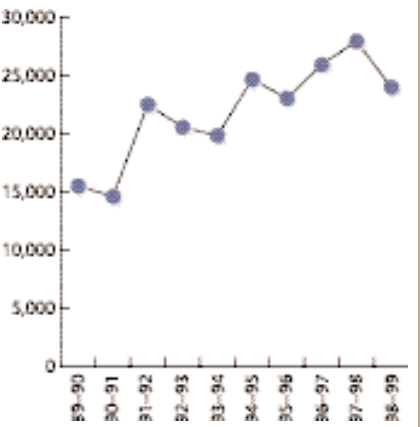
- **Population served:** Nearly 34 million people
- **Court locations:** Nearly 400
- **Judicial officers:** 1,900 judicial officers
- **Court employees:** Nearly 18,000 employees
- **Total caseload:** Nearly 8.8 million cases filed in 1998–1999
- **Fastest growing cases:** Felonies and juvenile dependency cases have risen 144 percent and 150 percent, respectively, since 1978–1979
- **Number of languages spoken in California:** 224
- **Number of languages certified for court interpreters:** 8

Because of their need for judges, courts have turned increasingly to retired and other judges for help. However, requests for assistance exceed available funding for assigned judges.

Judicial Assistance to Trial Courts

1989–1990 to 1998–1999

In Days





California trial courts reported 8.8 million filings during fiscal year 1998–1999 and about 8.4 million dispositions, leaving a gap of nearly half a million cases.

To address this disparity, the courts have turned to innovation. Trial court operations in almost all counties have been unified into one system with a major goal of reducing backlogs, enhancing effectiveness, and standardizing existing systems. Specialty courts, which coordinate efforts with other justice system and community service organizations, have been created to more effectively handle drug and domestic violence cases.

And for nearly a decade, a mandated delay reduction program has been

In a Just and Timely Manner

operating in all trial courts. Yet in spite of these efforts, essential resources, most notably technology and adequate support staff, are seriously lacking. The inability to provide swift, high-quality service undermines public confidence in the courts. Only resolving disputes in a just and timely manner can fully restore public confidence in the traditional justice system.

ACHIEVEMENTS

◆ **Efficiency:** Fifty-four of the state's 56 eligible counties have unified their trial court operations to improve case-processing efficiency and reduce costs.

◆ **Delay reduction:** California's delay reduction program, which sets case-processing time limits and deadlines, has improved case-processing times, but further progress depends on new resources.

◆ **Technology plans:** All trial courts have developed long-range technology plans for efficient software and hardware selection and procurement.

◆ **Integrated systems:** Many large courts have already made substantial progress in obtaining high-volume case management systems that are integrated with criminal justice and human services agencies.

◆ **Complex civil litigation:** A Judicial Council pilot program that could become a model for other states will be launched in January 2000 to expedite complex litigation with the aid of specially trained judges, research staff, and technology support. In addition, a task force has prepared a manual to guide trial judges and attorneys in more efficiently handling complex civil cases. A training curriculum also is being created, and proposed new Judicial Council case management rules and forms would facilitate the successful operation of complex civil litigation programs in all counties.

◆ **Alternative dispute resolution:** A statewide task force completed a comprehensive study that encourages the use of voluntary alternative dispute resolution (ADR) both inside and outside California courts. Recent legislation requires the Judicial Council to establish pilot programs in four superior courts to assess the benefits of early mediation of civil cases.

Only resolving disputes in a just and timely manner can fully restore public confidence in the traditional justice system.

CHALLENGES

◆ **Efficiency programs:** Courts must obtain staff resources to expand programs that help to efficiently process three-strikes cases, expand mandatory delay reduction

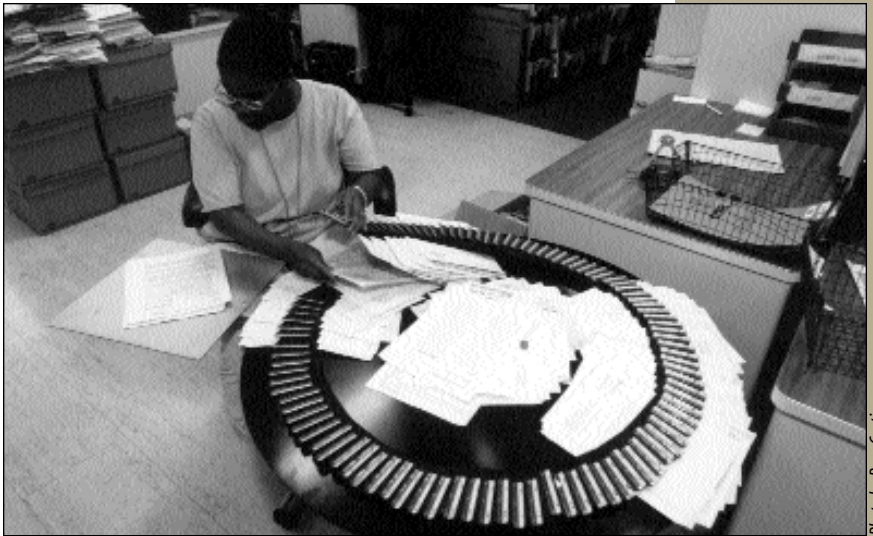


Photo by Russ Curtis

With 8.8 million filings in the past fiscal year, case management technology is the key to efficient case processing.

programs, and develop more specialty courts, such as those that handle domestic violence, drug cases, and juvenile and family cases.

◆ **Case management technology:** Essential technology that courts need but most cannot afford includes case management software, voice response and electronic filing systems, document imaging systems, records management retrieval systems, and new technology staff positions.

◆ **Traffic mandates:** Enacted legislation, such as the automobile mandatory insurance law, has had an ongoing impact on court operations and resources.

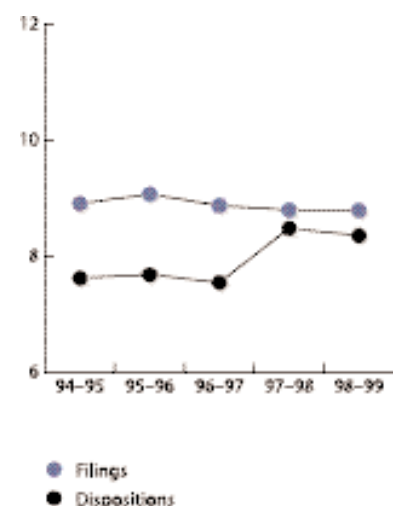
◆ **Litigants without attorneys:** The increase in pro per litigants who request instruction and procedural information draws heavily on limited court staff and resources.

FACTS ABOUT CASE PROCESSING

- 150,000 cases were awaiting trial as of June 30, 1999.
- Only 59 percent of civil cases were disposed of within the one-year time frame recommended by American Bar Association Standards.
- Trial courts do not have the resources they need to meet many state and federal mandates.
- The majority of litigants represent themselves in family court without attorneys, resulting in longer case-processing times for these fast-growing cases.
- While most filings have leveled off, the process and content of litigation have become more complex, increasing the courts' workload.

Total Trial Court Filings and Dispositions

1994–1995 to 1998–1999
(in millions)



California trial courts reported 8.8 million filings during fiscal year 1998–1999 and 8.4 million dispositions, leaving a backlog of nearly half a million cases.



ases concerning the welfare of California families represent the largest part of the superior courts' civil workload and consume a disproportionately large share of court resources. These caseloads present acute problems because they are expanding continuously and generally involve many high-risk and complex issues. More-

over, when child abuse and neglect is involved, children become dependent on the courts for

Justice for Children and Families

protection and permanent homes. Such concerns make family and juvenile matters one of the Judicial Council's top priorities and budget requests for fiscal year 2000–2001.

ACHIEVEMENTS

◆ **Support for courts:** The Judicial Council provides a variety of assistance to courts in domestic relations matters through its Family and Juvenile Law Advisory Committee, Statewide Office of Family Court Services, and the Center for Children and the Courts.

◆ **Children's advocates:** Thirty-five Court Appointed Special Advocate (CASA) programs, supported by the Judicial Council, recruit, train, and supervise volunteers who represent children in dependency court proceedings.

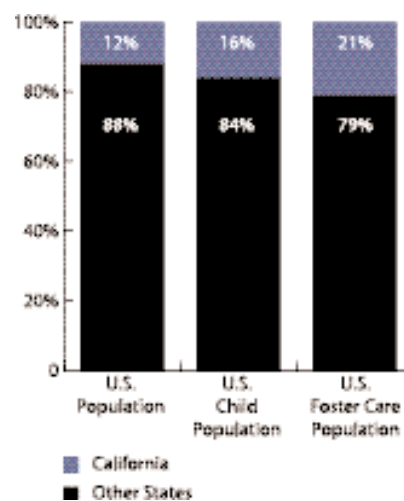
◆ **Help for unrepresented litigants:** Using council-provided grants, every court in the state now provides court-based attorneys—family law facilitators—who assist families at no charge with information about child support cases. Minimum standards for facilitators become effective January 1, 2000.

◆ **Education:** The council provides consulting services and holds annual statewide and regional conferences and workshops for courts on family violence, child support, appointed counsel for children, substance abuse, assessment of children and parent-child relationships, child custody, diversity, alternative dispute resolution skills, and family assessment.

◆ **Family court research:** California has the largest family court database of its kind in the nation. The database, created by the council from nine large-scale studies of client issues and satisfaction, is used by policymakers, court administrators, and researchers for policy development and evaluation of various family court programs. The council also is studying juvenile victim-offender reconciliation programs, the child support commissioner system, evaluation of custody and visitation plans, parent education programs, and state dependency and domestic violence courts.

◆ **Multiagency collaborations:** The council has joined forces with social service agencies and community organizations to expand private-public partnerships to enhance child custody evaluations. The council also proclaimed November "Court Adoption and Permanency Month," requesting Saturday and evening adoptions and other activities during this month to expedite permanency. In addition, the council pro-

California's Children at Risk



Of the more than 72 million children in the United States, 16 percent live in California, which also has 21 percent of the nation's foster children. *Source: Center for Children and the Courts. Based on 1990 census and subject to upcoming census.*

Cases involving the welfare of children are expanding dramatically and often raise highly sensitive issues for courts to decide.

vides \$900,000 in grants annually to courts to provide supervised visitation to nonresidential parents in collaboration with community-based organizations.

◆ **Professional standards:** The council adopted new professional standards and rules of court governing child custody mediation, evaluation, supervised visitation, and domestic violence.



CHALLENGES

◆ **Legislated mandates:** Most trial courts are struggling to fully meet all state and federal requirements to expand services to children and families. For example, a majority of court child custody mediation cases now contain allegations of domestic violence and substance or child abuse, but legislatively mandated safeguards have not yet been adequately funded.

◆ **Case-processing obstacles:** To avoid conflicting orders and unnecessary case delays, trial courts require significantly more case-tracking, reporting, and documentation solutions.

◆ **Inadequate resources for litigants:** The dramatic increase in litigants who represent themselves in court (in pro per) or who require interpreters strains staff. For example, of 2,947 randomly selected child support cases from 11 courts, both parents were unrepresented in 63.4 percent of cases; only one parent was represented in 20.7 percent, and both parents in only 15.9 percent of the cases.

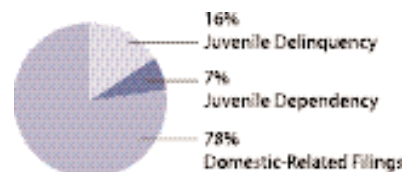
◆ **Complex procedures:** Statutory changes affecting juvenile dependency cases require more hearings and intensive judicial oversight, as well as increased responsibilities for counsel representing parents and children.

◆ **Domestic violence cases:** Domestic violence cases require numerous security procedures, including case screening, separate mediation sessions at separate times at the request of the parties, and other measures that add costs to family proceedings.

FACTS ABOUT FAMILIES AND CHILDREN

- Cases involving families and children have risen more than 36 percent during the past decade, but court staff numbers have not risen to match the demand.
- An estimated 84,550 families a year use child custody mediation court services.
- Over 30,000 parents each month receive assistance from court-based family law facilitators.
- In the past year, there were 41,890 filings concerning children who have been abused or neglected. These filings have risen 129 percent over the past two decades.
- More than 100,000 California children live in foster care.
- Substance abuse is a factor in at least 70 percent of foster care cases and it is often alleged in child custody or visitation disputes.
- In approximately 65 percent of court-based mediation cases, one parent has alleged domestic violence, and 55 percent have at one time involved a restraining order.

Domestic Relations Caseload
1998–1999



Domestic matters comprise the largest part of superior court civil workload, and because of their complexity, they consume a disproportionately large share of court resources.

I

n 1999, all California countywide trial court systems reported to the Judicial Council that staff shortages are preventing them from providing adequate public access. These shortages also are interfering with their ability to comply with new reporting and budget management mandates brought about by trial court funding legislation. In some cases, courts have had to shift case-processing staff to telephone or counter service, a move that creates backlogs in document processing. In other courts, counter and telephone service hours are suspended at various times of the day to give staff time to catch up. In short, courts are searching for ways to balance case-processing

and public service demands with current resources.

At its most basic level, access to the

The Promise of Equal Access

courts is the public's ability to obtain information and services in a timely manner. For this, courts need well-staffed public counters and telephone response systems that can keep courthouses open and justice within the reach of all people.

ACHIEVEMENTS

◆ **Unification:** Unification of countywide superior and municipal court operations enhances public access through vertical calendaring, assignment of judges based on expertise, and the full use of all judicial and court resources.

◆ **Trial court funding:** Freedom from the day-to-day financial uncertainty of the former county-funded system is designed to allow courts to more effectively oversee and manage their fiscal and human resources.

◆ **Service orientation:** Trial court budgets are being developed by the courts with the public's needs and expectations in mind. This means that public interests are being addressed more uniformly throughout the state.

◆ **Court innovation:** Courts around the state have developed creative ways to improve public access with limited resources. These include sending a traveling court van to serve local homeless shelters in San Diego and offering educational programs in many counties to bring judges and the public together to exchange ideas.

◆ **Increased accountability:** Along with giving courts more administrative responsibility, self-management, and the flexibility to address public issues, the Trial Court Funding Act also requires courts to be accountable and make regular reports on court issues to the Judicial Council.

◆ **Support for courts:** To assist courts in meeting new responsibilities, the Administrative Office of the Courts has increased its outreach to county court systems and expanded regional cooperation among smaller courts to share management and fiscal expertise.

◆ **Court and community planning:** The Judicial Council is leading a statewide initiative to institutionalize countywide trial court strategic planning, which is designed to increase public involvement in court activities.

Trial court budgets are being developed by the courts with the public's needs and expectations in mind. This means that public interests are being addressed more uniformly throughout the state.

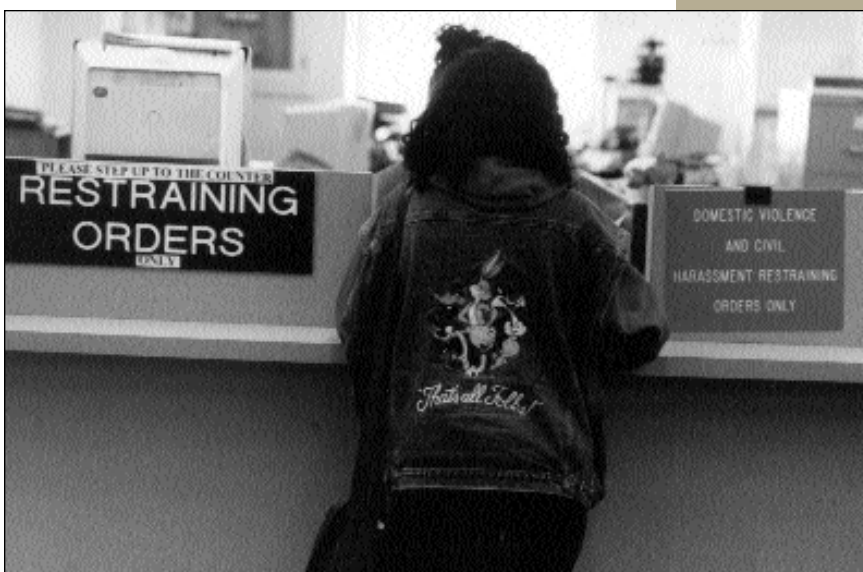


Photo by Russ Curtis

Staff shortages in the trial courts can hinder the ability to provide adequate public access.

CHALLENGES

◆ **New operational duties:** Many country trial court systems are becoming increasingly responsible for administrative functions, such as budget, human resources, and information technology management, that were previously performed by their respective counties.

◆ **Insufficient administrative staff:** A majority of the trial court systems have difficulty providing timely responses to requests for workload statistics or budget information because of insufficient administrative personnel.

◆ **Community outreach:** The majority of California court systems identified funding and staff resources as the major obstacles in carrying out court and community-focused planning efforts.

◆ **Modernization:** Courts are eager to reap the benefits of modern technology. Information kiosks and Web sites for displaying court calendars and up-to-date case information can be very useful in making justice more accessible to all Californians.

FACTS ABOUT PUBLIC ACCESS

- Up to 5,000 calls per month to courts from the public about court procedures.
- 55 separate case management systems across the state.
- Lack of consistent statewide technology standards.
- 20 countywide court systems have little or no technology support.
- Most California court systems have more than one court facility per county, but many are unable to provide equal public services at all of them five days per week or eight hours per day.
- Some of the 38 smallest countywide trial court systems are unable to provide telephone and facility access eight hours per day.



ases before the California Supreme Court and the Courts of Appeal involve every area of the civil and criminal law. In the Supreme Court, death penalty appeals and related proceedings still demand substantial resources. Workload in the Courts of Appeal—in which the volume of cases outnumber those of all other state appellate court systems in the nation—remains high. Caseloads have grown steadily for decades, and in some Court of Appeal districts dispositions by written opinion are at record levels. Reducing

Appellate Court Report

delays in case processing and securing adequate court resources form the bedrocks of the Judicial Council's strategic plan for these courts.

ACHIEVEMENTS

◆ **Return to historic home:** After nearly a decade in temporary quarters, the California Supreme Court in January returned home to the Earl Warren Building at San Francisco's Civic Center without interruption of service to the public. The court was forced to vacate the building in 1989 following the Loma Prieta earthquake. The courthouse was seismically and technologically retrofitted and its internal library upgraded. The court shares the courthouse with the Court of Appeal, First Appellate District.

◆ **Representation in death penalty cases:** During 1998–1999, 63 counsel were appointed in death penalty cases compared with 31 during the previous year. Effective January 1, 1998, the rate change for court-appointed counsel in capital cases was increased from \$98 per allowable hour to \$125 per allowable hour. Equivalent increases also were made to each of the fixed fee categories available for these counsel. The shortage of available defense attorneys is being alleviated by several recent developments:

- The California Habeas Corpus Resource Center, created by Senate Bill 513 effective January 1, 1998, has begun taking appointments.

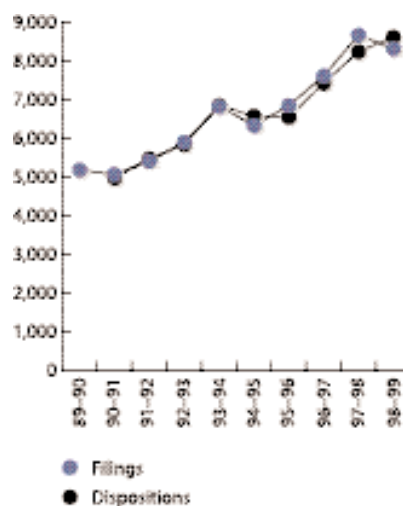
- SB 513 added 15 new attorneys to the State Public Defender's Office to enable that office to handle more capital appeals. The bill also provided funding to increase appointed counsel's compensation and investigation expenses.

- The court continues to expand recruitment and training opportunities for attorneys interested in these cases.

- Assembly Bill 195 shifted some of the responsibility for completing and correcting the death penalty appellate records during, and immediately following, trial to the trial courts and trial attorneys. Supreme Court staff have conducted training sessions for trial court judges and clerks to assist them in complying with the new statute and related rules of court.

◆ **Appellate process reform:** The first review of California Courts of Appeal has been completed by a Judicial Council task force, which released an interim report recommending methods to assess the courts in the timely disposition of escalating caseloads without major new resources. Comments were sought and will be followed by a final report in late 1999.

Supreme Court Filings and Dispositions
1989–1990 to 1998–1999



Supreme Court dispositions and filings hovered at all-time peaks in 1998–1999.

Supreme Court justices confer after oral argument. From left to right, Associate Justices Kathryn Mickle Werdegarr, Ming W. Chin, Janice Rogers Brown, Chief Justice Ronald M. George, Associate Justices Stanley Mosk, Joyce L. Kennard, and Marvin R. Baxter.



◆ **New judgeships:** In the Courts of Appeal, the 1999–2000 State Budget included funding for 12 new appellate judgeships to help courts respond effectively to increases in filings and changes in criminal and civil law. Judicial Council–sponsored legislation would create these 12 new positions, bringing the total of statewide judgeships to 105.

CHALLENGES

◆ Supreme court workload:

- During 1998–1999, Supreme Court dispositions totaled 8,615. The Court filed opinions in 88 cases.
- The court also disposed of 5,480 petitions for review, 2,807 original proceedings, as well as 283 attorney disciplinary recommendations.
- Total filings reached 8,310, of which 5,357 were petitions for review.

◆ Courts of Appeal workload:

- Filings of original proceedings dropped 6 percent from 9,116 in 1997–1998 to 8,609 in 1998–1999.
- Filings of records on appeal totaled 16,186 in 1998–1999, compared with 15,931 in 1997–1998, an increase of 2 percent.
- Dispositions by written opinion dropped to 13,701 in 1998–1999, from 14,238 in 1997–1998, a decrease of 4 percent.

FACTS ABOUT THE APPELLATE COURTS

Supreme Court

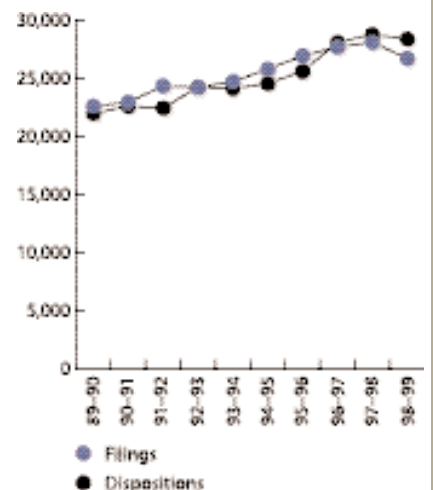
- The Supreme Court has discretion to grant review of petitions for review arising from the legal decisions handed down by the 93 Court of Appeal justices, which in turn arise out of the cases disposed of by 1,480 trial court judges, as well as original requests for extraordinary relief.
- The state Constitution requires the Supreme Court to review all death penalty judgments directly from the superior courts.
- Briefs in death penalty appeals often contain more than 300 pages and trial records can range up to 80,000 pages.

Courts of Appeal

- Average number of written opinions per justice: 142 per year.
- Average number of notices of appeal filed per justice: 195.
- In 1998–1999, 10,561 appointments of private counsel were made by the Courts of Appeal for indigent appellants in noncapital appeals.

Workload in the Courts of Appeal remains high, exceeding 25,000 cases in 1998–1999.

Courts of Appeal Filings and Dispositions 1989–1990 to 1998–1999



T

he Judicial Council’s fiscal year 2000–2001 judiciary budget request includes proposals designed to enhance the delivery of justice through improved court management and increased public access to the courts. In 1999, courts identified high-priority funding needs through a new budget development process designed to

address both state-wide priorities and local concerns based on a series of surveys of trial court

Investing in Courts and Justice

systems. These priorities include additional staff and technology resources to expedite case processing in the criminal and civil courts, new state and federal mandates in family law; and the costs of the transition to state funding, costs for the new appellate court facilities, and imposed costs such as negotiated salary increases. With the funding proposed for fiscal year 2000–2001, the courts continue to represent less than 2 percent of the state’s General Fund expenditures—a small cost for justice.

The intent of the Trial Court Funding Act of 1997 is to provide equal access to the courts for all Californians through state funding of local court operations.

Fiscal Year 2000–2001 Budget

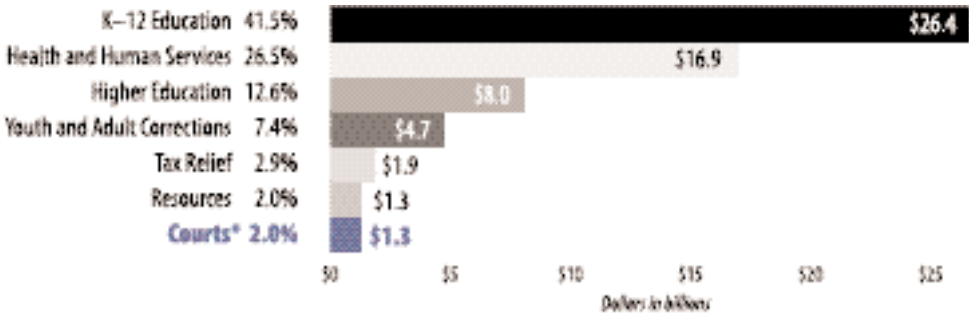
The intent of the Trial Court Funding Act of 1997 is to provide equal access to the courts for all Californians through state funding of local court operations. This continues to be the focus of the Judicial Council in fiscal year 2000–2001. The council’s budget proposals promote effective and efficient administration of justice while prudently addressing critical needs in technology, staffing, and other priority areas.

Trial Court Budget Change Proposals: \$165.3 million

- ◆ \$114 million for trial court operations, including staff and technology for expedited criminal and civil case management, increased public access and accountability, compliance with mandates in the family law area, increased costs of the state/county transition, and jury reform.
- ◆ \$42.7 million for imposed costs of negotiated salary increases in fiscal year 2000–2001.

Spending for Courts Less Than for Other Major Budget Categories

1999–2000 General Fund Expenditures



*Includes funding for trial courts, Supreme Court and appellate courts, Administrative Office of the Courts, Habeas Corpus Resource Center, and General Fund contributions for Judges’ Retirement System.
Source: California Department of Finance

- ◆ \$4.8 million for anticipated workload increases and an increase in the per diem rate for certified and registered interpreters from \$243 to \$265.
- ◆ \$3.8 million to annualize the cost of 20 new judgeships established by the Legislature in fiscal year 1999–2000.

Budget Change Proposals for the Supreme Court, Courts of Appeal, and Judicial Council: \$26.2 million

- ◆ \$0.6 million to expedite processing of increased civil and criminal petitions and record certification in death penalty appeals in the Supreme Court.
- ◆ \$5.1 million to address civil and criminal workload increases and to extend limited-term base operating funds.
- ◆ \$11.8 million for capital construction of new Courts of Appeal facilities in Fresno and Santa Ana.
- ◆ \$8.7 million for the Judicial Council to improve the administration of justice in California and increase the level of services provided to the courts.



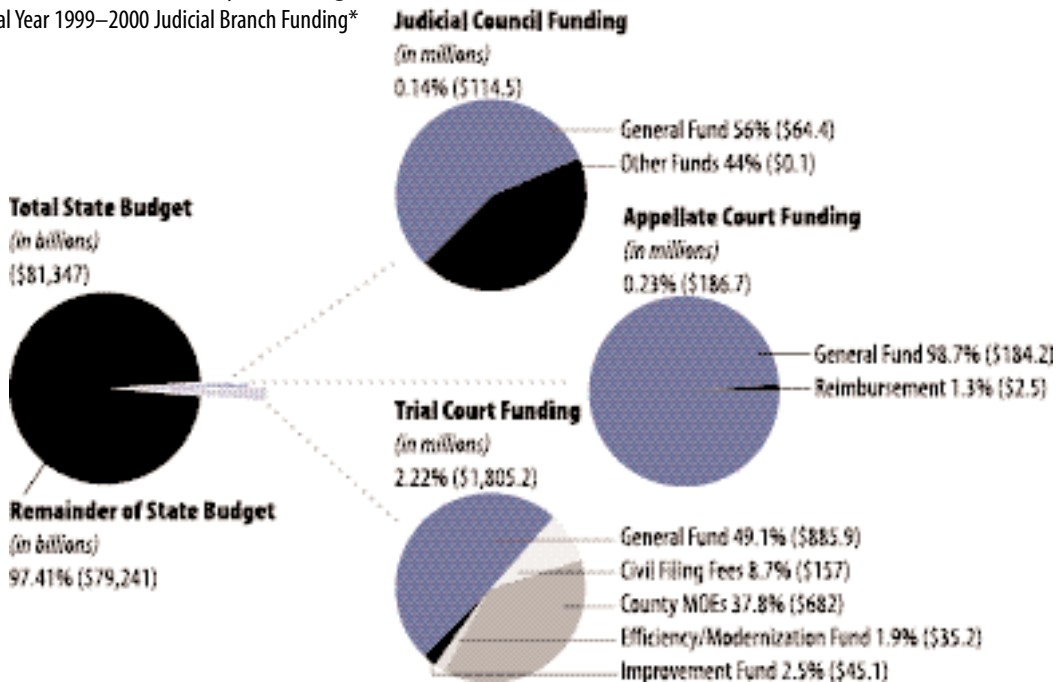
Photo by Jason Dory

Judicial Salaries

The Judicial Council approved the submission of a budget change proposal to increase the salaries of judicial officers by 8.5 percent in fiscal years 2000–2001 and 2001–2002 to make judicial compensation commensurate with that of other public sector positions. In keeping with a recommendation of the Task Force on the Quality of Justice, Subcommittee on Judicial Service, such an increase is expected to improve the state's ability to attract and retain highly qualified judicial officers to careers in public service.

Breakdown of the Court System Budget

Fiscal Year 1999–2000 Judicial Branch Funding*



*Excludes Judges' Retirement System, Commission on Judicial Performance, and Habeas Corpus Resource Center.

Source: Administrative Office of the Courts

T

he 27-member Judicial Council is the governing body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice, it is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts (AOC) serves as the staff agency to the council.

As the head of the third branch of government, the Judicial Council pursues a variety of

Profile of the Judicial Council

duties and responsibilities defined by the state Constitution as well as by statutes and legislation. Among these duties, the council:

- ◆ *Provides* policy direction to the California court system;
- ◆ *Surveys* the condition of business in state courts and makes appropriate recommendations to the Governor, the Legislature, and the courts regarding court administration improvements;
- ◆ *Adopts* rules of court administration, practice, and procedure, and legal forms;
- ◆ *Plans* budget requests for the courts and oversees execution of the court system's budget;
- ◆ *Supports* courts in areas such as resource acquisitions, trial court unification, workload management, technical assistance, and mediation, and through numerous programs to improve community outreach, access, fairness, modernization, and public trust;
- ◆ *Sponsors* legislation on behalf of the court system;
- ◆ *Commissions* special projects and studies to improve court administration;
- ◆ *Oversees* judicial and management training and education for state court judges and staff; and
- ◆ *Oversees* trial management improvement, statistical reporting, research and development of technical improvements, and statewide automation.

Judicial Council Goals

Access, Fairness, and Diversity

All Californians will have equal access to the courts, and equal ability to participate in court proceedings, and will be treated in a fair and just manner. Members of the judicial branch community will reflect the rich diversity of the state's residents.

Independence and Accountability

The judiciary will be an institutionally independent, separate branch of government that responsibly seeks, uses, and accounts for public resources necessary for its support. The independence of judicial decision making will be protected.

Modernization of Management And Administration

Justice will be administered in a timely, efficient, and effective manner that uses contemporary management practices; innovative ideas; highly competent judges, other judicial officers, and staff; and adequate facilities.

Quality of Justice and Service to the Public

Judicial branch services will be responsive to the needs of the public and will enhance the public's understanding, and use of, and its confidence in the judiciary.

Education

The effectiveness of judges, court personnel, and other judicial branch staff will be enhanced through high-quality continuing education and professional development.

Technology

Technology will enhance the quality of justice by improving the ability of the judicial branch to collect, process, analyze, and share information and by increasing the public's access to information about the judicial branch.



Photo by Jason Doy

In February 1999, the Judicial Council returned to its traditional base in San Francisco's Civic Center in the new Hiram W. Johnson State Office Building. The centerpiece of the new Judicial Council Conference Center is the Malcolm M. Lucas Board Room which features state-of-the-art communications technology for access from around the state. The council meets here seven times a year.

FACTS ABOUT THE JUDICIAL COUNCIL

- The 21 voting members of the council, chaired by the Chief Justice, include 14 judges appointed by the Chief Justice from all court levels; four attorney members appointed by the State Bar Board of Governors; and one member from each house of the Legislature.
- The council has six advisory members.
- One-third of the council's membership changes each year to broaden participation from throughout the state judicial branch.
- The AOC, as the council's staff agency, provides a variety of services to the more than 20,000 judicial officers and judicial branch employees of the trial and appellate courts in more than 75 courts at over 400 locations.
- The council's Long-Range Strategic Plan is refined annually and published as *Leading Justice Into the Future*. It outlines a broad vision for the future of the state's judicial system as well as a detailed action plan for the council's advisory committees and the AOC.

From left to right (starting with top left on back cover and moving across back and front covers), county courthouses pictured on cover are: **ALAMEDA:** Courtesy of Oakland Public Library, Oakland History Room; **ALPINE:** Alpine County Historical Society; **BUTTE:** Courtesy Department of Special Collections, University of California Library, Davis; **CALAVERAS:** Courtesy Calaveras County Historical Society; **PLUMAS:** Courtesy Department of Special Collections, University of California Library, Davis; **RIVERSIDE:** Courtesy Historical Library, First American Title Insurance, Santa Ana; **SAN FRANCISCO:** Courtesy of the Bancroft Library, University of California, Berkeley; **SACRAMENTO:** Courtesy California State Library; **COLUSA:** Courtesy Meriam Library, California State University, Chico, and Thelma White; **EL DORADO:** Courtesy El Dorado County Museum; **DEL NORTE:** Courtesy Del Norte County Historical Society; **CONTRA COSTA:** Courtesy Superior Court of California, County of Contra Costa; **SAN BENITO:** **SAN LUIS OBISPO:** From the Archives of the San Luis Obispo County Historical Society & Museum; **SAN DIEGO:** Courtesy Security Pacific Collection, Los Angeles Public Library; **SANTA CLARA:** Courtesy County of Santa Clara; **FRESNO:** Courtesy Superior Court of California, County of Fresno; **GLENN:** Courtesy Meriam Library, California State University, Chico, and Willows Museum; **LAKE:** Courtesy California State Library; **INYO:** Courtesy of the Eastern California Museum; **SHASTA:** Courtesy Department of Special Collections, University of California Library, Davis; **SAN MATEO:** Redwood City Public Library; **SANTA BARBARA:** Courtesy Seaver Center for Western History Research, Los Angeles County Museum of History; **SAN JOAQUIN:** Courtesy San Joaquin Registrar of Voters and State Bar of California; **KINGS:** Courtesy Dave Rantz Custom Photography; **HUMBOLDT:** Courtesy Humboldt County Historical Society; **NAPA:** Courtesy of Napa County Historical Society; **AMADOR:** Courtesy Amador County Archives; **MERCED:** Courtesy Merced County Courthouse Museum; **KERN:** Courtesy of the Kern County Museum; **SIERRA:** Courtesy Department of Special Collections, University of California Library, Davis; **SAN BERNARDINO:** Courtesy California State Library; **TUOLUMNE:** Courtesy California State Library; **PLACER:** Courtesy Placer County Historical Society; **IMPERIAL:** Courtesy California State Library; **MARIPOSA:** Courtesy Seaver Center for Western History Research, Los Angeles County Museum of History; **MADERA:** Courtesy California State Library; **LOS ANGELES:** Courtesy Seaver Center for Western History Research, Los Angeles County Museum of History; **SANTA CRUZ:** Courtesy Special Collections University Library, University of California, Santa Cruz; **SISKIYOU:** Courtesy Department of Special Collections, Charles E. Young Research Library, University of California, Los Angeles; **SONOMA:** Keystone—Mast Collection, UCR/California Museum of Photography, University of California at Riverside; **TRINITY:** Courtesy Meriam Library, California State University, Chico, and the Hal Goodyear Collection; **MARIN:** Courtesy California State Library; **LASSEN:** Courtesy Department of Special Collections, University of California Library, Davis; **MENDOCINO:** Photo by Callie Coombs, Mendocino County Museum, Willits; **MODOC:** Courtesy Department of Special Collections, University of California Library, Davis; **STANISLAUS:** Courtesy Baird Stock Photos, Modesto; **SUTTER:** Courtesy Community Memorial Museum of Sutter County; **SOLANO:** Courtesy California State Library; **TEHAMA:** Courtesy Meriam Library, California State University, Chico, and Ruth Hitchcock; **MONO:** Courtesy of the Eastern California Museum; **ORANGE:** Courtesy Seaver Center for Western History Research, Los Angeles County Museum of History; **NEVADA:** Courtesy California State Library; **MONTEREY:** Courtesy of the Monterey County Historical Society; **TULARE:** Courtesy California State Library; **VENTURA:** Courtesy of Ventura County Museum of History & Art; **YUBA:** Courtesy Meriam Library, California State University, Chico, and Community Memorial Museum; **YOLO:** Courtesy Yolo County Archives. *These photos soon can be seen on the Judicial Council's Web site, www.courtinfo.ca.gov.*



